

Appl. No.: 10/554,979
Amdt. dated June 23, 2009
Reply to Office Action of March 23, 2009

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated March 23, 2009. Applicant has amended the Specification, the Abstract, and the claims. The Specification has been amended for clarification purposes and to address the Examiner's objections. The claims have been amended for clarification purposes and to address the Examiner's objections and rejections under 35 U.S.C. § 112. No new matter has been added by these amendments. In light of the amendments and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

As a preliminary matter, the Examiner has indicated that Claims 3-6 and 8 would be allowable if rewritten in independent form and to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicant has rewritten Claims 3-6 and 8 into independent form and to address the Examiner's rejections under 35 U.S.C. § 112, second paragraph. As a result, Applicant submits that Claims 3-6 and 8 are in condition for immediate allowance.

Objections to the Specification and Abstract

Applicant has made several amendments to the specification and has amended the abstract for clarification and to address the Examiner's objections. As a result, Applicant submits that any objections to the Specification and Abstract are hereby overcome.

Objections to the Claims

Applicant has made several amendments to the claims to address the Examiner's claim objections. As a result, Applicant submits that the objections to the claims are hereby overcome.

Rejections of the Claims under 35 U.S.C. § 112, Second Paragraph

Claims 1-9 are pending in the application. In the Office Action, Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claims 1 and 9 to address the Examiner's rejection under 35 U.S.C. § 112, second paragraph. As a result, Applicant submits that the rejections of Claim 1-9 under 35 U.S.C. § 112, second paragraph, are hereby overcome.

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Rejections of the Claims under 35 U.S.C §§ 102 and 103

Claims 1 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,534,664 to Fearing, Jr. et al. (“the Fearing reference”); Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fearing reference in view of U.S. Patent No. 6,817,123 to Okazaki et al. (“the Okazaki reference”); and Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fearing reference in view of EP 0 817 145 to Rosch et al. (“the Rosch reference”).

The Examiner rejects Claims 1 and 9 as being anticipated by the Fearing reference, however Applicant respectfully disagrees. The Fearing reference discloses in Fig.1 a transformer 22, to transform the power from 600V to 120V and a power supply enclosure 26 containing barrier units 28 to further reduce the voltage to 12V. However, the power supply units 26 of the Fearing reference only serve to supply voltage to luminaires 32 via barrier units 28. In the claimed invention, the power supply units 8 serve to power the system controllers 1-7, which in turn serve to operate the stope support units. By contrast, in the Fearing reference the only purpose of power supply units 26 is to power the lights. For at least this reason, Applicant submits that neither Claim 1 nor Claim 9 (which previously depended from Claim 1 but has since been rewritten into independent form) is anticipated by the Fearing reference.

In rejecting Claims 2 and 7 under 35 U.S.C. § 103(a), the Examiner relies on the Fearing reference as teaching the elements of independent Claim 1, from which Claims 2 and 7 depend. However, because the Fearing reference does not teach or suggest the elements of independent Claim 1, and because neither the Okazaki nor Rosch reference teaches or suggests these elements (nor does the Office Action assert as much), Applicant submits that Claims 2 and 7 are not rendered obvious by the cited references.

For at least the reasons outlined above, Applicant submits that Claims 1-9 are patentable over the cited references. As a result, Applicant submits that all pending claims of the present application are in condition for immediate allowance.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-9 of the present application are now in condition for allowance. It is respectfully requested that a Notice of Allowance for all pending claims be issued in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JUNE 23, 2009.